

Privacy notice relating to the processing of personal data by the school, to support pupils with Additional Learning Needs

(Version 1.1 – wef 21.02.2023)



MAE EICH DATA O BWYS

YOUR DATA MATTERS

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

About this privacy Notice

This privacy notice applies to the processing of personal data by primary, secondary and through schools within Rhondda Cynon Taf (RCT) that are maintained by the local authority (Rhondda Cynon Taf County Borough Council) (RCTCBC). It also applies to the processing of personal data by faith schools within RCT that are voluntary funded.

Click [here](#) for a full list of schools covered by this privacy notice.

This privacy notice is provided by RCTCBC for and on behalf of schools under a data protection Service Level Agreement.

Introduction

This privacy notice is intended to provide information about how the school will use (or 'process') personal data about individuals including our current, past, and prospective pupils and their parents, carers or guardians (referred to in the notice as 'parents') for the purpose of supporting pupils that have Additional Learning Needs (ALN).

Whilst we have tried to make this privacy notice as clear and concise as possible, the categories of personal data we process may vary depending on the pupil's individual needs and the support required. Should you require further information specific to your child please do not hesitate to contact the Data Protection Lead.

When processing the personal data, we process only the minimum amount necessary in relation to the purpose.

This notice should be read in conjunction with the school's General Privacy Notice which is available on our website or by contacting the Data Protection Lead.

The Data Controller

The school is the data controller for the personal data we process, unless otherwise stated. This includes the personal data processed by the Governing Body, head teacher, individual governors, teachers, teaching assistants and support staff etc.

The school is registered with the Information Commissioner's Office (ICO) as a controller.

How to contact us for data protection matters or concerns

The school's Data Protection Lead is the main point of contact for data protection matters. The Data Protection Lead can be contacted using our normal contact methods; by telephone, email, post and in person at the school. Click [here](#) for contact information.

The Data Protection Officer

RCTCBC provides a data protection support service to the school under a Service Level Agreement, including the provision of a Data Protection Officer (DPO).

The DPO can be contacted in relation to data protection matters. However, we encourage you to contact the school in the first instance. Should you have the need to contact the Data Protection Officer directly you can do so via email to the following email address;

- Information.management@rctcbc.gov.uk

We recommend that, when contacting the DPO, that you send a copy of the correspondence to the school as the data controller.

The categories of personal data we process

We process the following categories of personal data for statutory purposes; to support pupils that have Additional Learning Needs.

Pupil personal data;

- Personal identifiers such as name and address.
- Characteristics such as gender, ethnicity, sexual orientation, unique pupil number, language, nationality, country of birth and free school meal eligibility.
- Assessment information (such as results of Welsh national tests, statutory assessments and on-going teacher assessment).
- Relevant health and medical information.
- Additional Learning Needs and disability information.
- Details of relevant behavioural issues or exclusions.
- Legal access to the pupil and any court orders indicating access rights.
- Details of any relevant social services involvement with the family.
- Child Looked After status (if applicable).

Parents and others personal data;

- Basic personal information (such as name, address, date of birth, contact details, place of work etc.).
- Basic personal information of relevant relatives (such as name, address, contact details, relationship to the child etc.).
- Legal access to the pupil and any court orders indicating access rights.
- Details of any relevant social services involvement with the family (this may include information relating the parents, siblings and other household or family members).

Why we process the personal data

We process the personal data for statutory purposes; to support pupils that have Additional Learning Needs. This may include but is not limited to the following activities;

- Making referrals to the Local Authority for Additional Learning Need support.
- Working with the Local Authority, relevant professionals, services and agencies to assess the pupils' needs and provide recommendations regarding support, strategies, provision, education placement, etc.
- Work with Local Authority, relevant professionals, services and agencies to deliver the support required.
- Monitor and review progress.
- Engage with parents/carers in relation to the pupil's Additional Learning Needs.

Our lawful basis for processing the personal data;

Under the General Data Protection Regulation (GDPR), our lawful basis for processing the personal data to undertake our statutory function of supporting pupils who have Additional Learning Needs is;

- **Legal Obligation** (c) – processing is necessary for compliance with a legal obligation to which the controller is subject.
- **Public Task** - Article 6 (e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- **Substantial public interest** - Article 9 (2) (g) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The primary legislation, regulations and guidance that supports this includes but is not limited to;

- Education Act 2002
- The Special Educational Needs Code of Practice for Wales April 2004
- Additional Learning Needs & Education Tribunal (Wales) Act 2018.

Who or where we get the personal data from

We may receive the personal data from the following categories of individuals or organisations;

- Pupil (e.g. during support sessions).
- Parent/s (e.g. when we consult with them about the pupil's referral to the Additional Learning Needs service and discuss the support the pupil requires etc.).
- School staff (e.g. progress in class, how any additional learning needs are affecting school, support required etc.).
- Local Authority Services, such as Access and Inclusion Service (such as Learners Support Service, Education Psychology Service), Children's Services, Resilient Families.
- Relevant Health Services (such as GP's, Consultants etc. to obtain information and professional medical opinions on medical diagnosis, physical disabilities etc.).
- Relevant commissioned service providers and agencies that are required to support the pupil's Additional Learning Needs.

Who we share personal data with

We may share personal data with the following key organisations to fulfil our statutory function of supporting pupils with Additional Learning Needs.

When sharing the personal data, we only share the minimum amount necessary in relation to the purpose. The information shared and who it is shared with will depend on the pupil's individual needs, support required and those involved.

Who	Purpose
Local Authority – Access & Inclusion Service	e.g. Learner Support Service, Education Psychology Service etc. <ul style="list-style-type: none"> • Referral • Assessment of needs • Delivery of support services • Review of needs and on-going support
Other relevant Local Authority Services	e.g. Children's Services, Resilient Families etc. <ul style="list-style-type: none"> • Referral • Assessment of needs • Delivery of support services • Review of needs and on-going support
Health Services	e.g. GPs, Consultants, Occupational Health, Therapists, Children & Adolescent Mental Health Services <ul style="list-style-type: none"> • Assessment of needs • Delivery of support services • Review of needs and on-going support
Commissioned third party service providers and support agencies	Commissioned service providers and support agencies will vary depending on the individual needs of the pupil and the support required. These may include; <ul style="list-style-type: none"> • Eye to Eye – counselling services • SNAP Cymru - advocacy service • Children & Family Court Advisory & Support Service (CAFCAS)

	<p><i>Note: engagement with these providers is subject to parental agreement.</i></p> <ul style="list-style-type: none"> • Assessment of needs • Delivery of support services • Review of needs and on-going support
Other Educational establishments	We may share personal data where the pupil is attending another educational establishment etc.
Welsh Government	<ul style="list-style-type: none"> • Reporting purposes / Statutory returns • Personal data may be shared with Welsh Government for example where the pupil is unable to sit national tests due to an Additional Learning Needs etc. (disapplication of a pupil from national tests process).
Central South Consortium	<ul style="list-style-type: none"> • Reporting purposes / Statutory returns • The Central South Consortium (CSC) works in partnership with the five local authorities and their respective schools, to provide a school improvement service that challenges and supports schools in their work to raise standards. Each school is allocated an Improvement Partner to support in its work to carry out self-evaluation, improvement planning and to put in place the right support to improve learning, teaching and leadership. <p>Note – Should a review be required in respect of teaching practices to support Additional Learning Needs, pupil information is not directly shared but Improvement Partners may be party to personal information in support meetings.</p>

Data Processors

A data processor is a company or organisation that processes personal data on behalf of a controller. The school uses data processors that provide services to us. The category of data processors that the school uses in relation to the processing of Additional Learning Needs data is;

- IT system suppliers / service providers

Our data processors act only upon our instruction. They cannot do anything with the personal data unless we instruct them to do so. They will not share the personal data with any organisation apart from us or use it for their own purposes. They will hold it securely and retain it for the period we instruct.

Should you have a specific query relating to our data processors, please contact the Data Protection Lead.

How long we retain the personal data;

We retain the personal data contained within Additional Learning Need records in line with the Information Records Management Society (IMRS) Information Management Toolkit for Schools;

Record	Basic Record Description	Statutory Provision	Retention period
Primary school record	Additional Learning Needs files, reviews and Education, Health and Care	Children and Family's Act 2014; Special Educational	Until the pupil leaves the school. At which time, the record is transferred to the secondary school.
Secondary school records	Plan, including advice and information provided to parents regarding educational needs and accessibility strategy	Needs and Disability Act 2001 Section 14	Date of birth of the pupil + 31 years [Education, Health and Care Plan is valid until the individual reaches the age of 25 years – the retention period adds an additional 6 years from the end of the plan in line with the Limitation Act]

In keeping with the General Data Protection Regulation storage limitation principle, records are periodically reviewed. Not all personal data is retained. Only personal data that is relevant to the record is retained for the entire retention period (e.g. documents that contain assessments, decisions, outcomes etc.). Information that has no long term or evidential value is routinely destroyed in the normal course of business.

Your data protection rights

Under data protection law, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your personal data.

Your right of access

You have the right to ask us for copies of your personal data. This right always applies. There are some exemptions, which means you may not always receive all the data we process. [You can read more about this right on the ICO's website.](#)

Your right to get your data corrected

You have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete data you think is incomplete. This right always applies. [You can read more about this right on the ICO's website.](#)

Your right to get your data deleted

You have the right to ask us to erase your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

Your right to limit how organisations use your data

You have the right to ask us to restrict the processing of your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

Your right to object to the use of your data

You have the right to object to us processing your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

Your right to data portability

This only applies to personal data you have given us. You have the right to ask that we transfer the personal data you gave us from one organisation to another or give it to you. This right only applies if we are processing the personal data based on your consent or under, or in talks about entering a contract and the processing is automated. [You can read more about this right on the ICO's website.](#)

You are not required to pay any charge for exercising your rights. We have one month to respond to your request from the date your request is validated. We may extend this period by a further two months if the request is complex or we receive a number of requests from you.

Please contact the school's Data Protection Lead if you wish to make a request.

Your right to make a data protection complaint to the school

You have the right to complain to the school if you believe we have not handled your personal data responsibly and in line with good practice.

If you have a concern, we encourage you to contact the Data Protection Lead in the first instance. Most concerns can be resolved relatively quickly through a simple phone call or email to the school. Should you wish to make a formal complaint you can do so via our complaints policy.

Your right to make a data protection complaint to the ICO

You can also complain to the ICO if you are unhappy with how we have used your data, but we encourage you to contact us first.

The ICO's contact information is:

- Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Helpline number: 0303 123 1113
- Website: <https://www.ico.org.uk>

Version Control

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